

EXHIBIT 9

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

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5
6 IN RE:

7 NATIONAL PRESCRIPTION MDL 2804
8 OPIATE LITIGATION Case No. 1:17-md-2804
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11 Deposition of ERIC A. GRIFFIN,
12 Witness herein, called by the Defendants for
13 cross-examination pursuant to the Rules of Civil
14 Procedure, taken before me, Christine Gallagher,
15 a Notary Public and Registered Professional
16 Reporter in and for the State of Ohio, at the
17 Sheraton Columbus at Capitol Square, 75 East
18 State Street, Judicial Board Room, Columbus,
19 Ohio, on Wednesday, the 23rd day of January,
20 2019, at 8:48 a.m.

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1 commanders association meetings and hearing the
2 different challenges that the task forces have.

3 Q. Do you have an understanding that
4 the opioid crisis may be worse in Summit County
5 than in Cuyahoga County?

6 A. I do not have that understanding.

7 Q. You do not know one way or the
8 other?

9 A. I don't know, yeah.

10 Q. At what point in time did the
11 board come to realize that there was an opioid
12 crisis?

13 A. I think that before I got to the
14 board we were investigating individuals that
15 were diverting pharmaceutical drugs prior to me
16 getting there.

17 Q. And you joined in 2008?

18 A. Yes, ma'am.

19 Q. So it's your understanding that
20 prior to 2008 the board was aware of an opioid
21 crisis?

22 A. I can tell you that we had had a
23 focus on investigating those who were diverting
24 and we were seeing various drug trends that
25 would make you believe that.

1 Q. When you say you were seeing
2 various drug trends that would make you believe
3 that, what do you mean?

4 A. Sure. So an example of it would
5 be at the time we were seeing a massive amount
6 of Florida prescriptions coming to the State of
7 Ohio from what was labeled as pill mills down
8 in the Florida, Broward County area, and
9 massive amounts of prescriptions.

10 Q. Do you know the types of
11 prescriptions that were coming in from Florida?

12 A. Most of the time they were for
13 hydrocodone, oxycodone, Soma, alprazolam.

14 Q. And do you have an understanding
15 that hydrocodone, oxycodone are opioids?

16 A. Yes, ma'am.

17 Q. And alprazolam is a benzodiazapine?

18 A. Yes, ma'am.

19 Q. What is Soma?

20 A. A muscle relaxer or a mild -- it
21 can also be used as a mild pain reliever.

22 Q. Have you ever used the term
23 diversion in your work at the board?

24 A. Yes, ma'am.

25 Q. What is your understanding of the

1 term diversion?

2 A. My understanding of diversion is
3 when a pharmaceutical prescription is in any
4 way redirected from its legitimate medical use
5 to an illicit use, whether that's to an
6 individual or being sold or being stolen, when
7 it's essentially taken out of the legitimate --
8 the legitimate medical use system to be used
9 illicitly.

10 Q. So do you agree that the transfer
11 from a DEA registered and Ohio licensed entity
12 to another DEA registered and Ohio licensed
13 entity is not diversion?

14 A. Correct, it would be a normal
15 course of business.

16 Q. And do you agree that transfer
17 from a DEA registered and Ohio licensed
18 dispenser to an outpatient who presents a legal
19 prescription written by a licensed prescriber
20 is not diversion?

21 A. As long as it's a legal
22 prescription, yes, ma'am.

23 MS. BROWNE: Can I get AA, please?

24 (Thereupon, Defendants' Exhibit
25 Number 3, Letter Dated September 27, 2006 from

1 the U.S. Department of Justice Drug Enforcement
2 Administration, was marked for purposes of
3 identification.)

4 BY MS. BROWNE:

5 Q. I'm going to hand you what we've
6 marked as Exhibit 3. This is a September 27th,
7 2006 letter from the Drug Enforcement
8 Administration. It bears production BOP_ MDL
9 2nd Production 012217 through 012220.

10 MR. MORIARTY: I'm sorry, Mo, what
11 exhibit number did you assign that?

12 MS. BROWNE: Number 3, Exhibit 3.

13 MR. MORIARTY: Okay. Thank you.

14 BY MS. BROWNE:

15 Q. Have you seen this document
16 before, Mr. Griffin?

17 A. Can you give me a minute to review
18 it?

19 Q. You bet you.

20 (Pause in proceedings.)

21 THE WITNESS: I don't know if I've
22 seen this particular document; however,
23 probably versions of it, or at least I'm
24 familiar with most of the language in here. I
25 can't recall this specific document, though.